



Kentucky Board of Medical Licensure Newsletter

Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222
Website: kbml.ky.gov

Fall 2005

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College School of Osteopathic Medicine

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Physicians Displaced by Hurricane Katrina

In an effort to assist physicians displaced due to Hurricane Katrina, the Kentucky Board of Medical Licensure has a process available pursuant to KRS 311.660(2)(a), which allows nonresidents of Kentucky who are lawfully licensed to practice medicine or osteopathy in their state of actual residence, to infrequently engage in the practice of medicine or osteopathy in Kentucky, when called to see or attend to particular patients in consultation and association with a Kentucky licensed physician. The Board is extending this provision to physicians that are displaced by Hurricane Katrina and hold a current license in good standing in Louisiana, Mississippi, or Alabama. The registration is restricted to 90 days and there is no fee involved. The registration also restricts the physician's practice of medicine or osteopathy to a licensed health care facility or in collaboration with a physician in their office. Upon receipt of a completed registration, approval should be granted within two business days.

Postgraduate training residents displaced due to Hurricane Katrina who want to join a postgraduate training program in Kentucky may do so by completing a registration application for displaced residents. Registration and application forms can be downloaded by going to the Board's website at www.kbml.ky.gov and clicking on "**Information for Physicians Displaced by Hurricane Katrina**".

The Board would like to thank the many Kentucky physicians and medical professionals that have volunteered their services to the Gulf Coast Region in this time of crisis.

Reminder for Physicians Dispensing Controlled Substances

The Board would like to remind physicians who are dispensing controlled substances from their office that there are important additional requirements involved in this practice. For instance, physicians dispensing controlled substances must comply with KASPER reporting requirements as outlined in KRS 218.202. Failure to comply is a class A misdemeanor. Physicians currently dispensing controlled substances from their office should comply with the requirements as directed by the Drug Enforcement and Professional Practices Branch of the Cabinet for Health and Family Services. In order to obtain a copy of these requirements or if you have additional questions about this practice, please contact the Drug Enforcement and Professional Practices Branch at (502) 564-7985.

Board Action Report (Actions Taken Since July 1, 2005)

David M. Barrere, M.D., Ft. Thomas, KY #32009.

Agreed Order entered into 7/21/05.

Travis N. Calhoun, M.D., Hopkinsville, KY #27306.

Agreed Order of Indefinite Restriction entered into 7/21/05.

William J. Curtin, M.D., South Williamson, KY #33543.

Order of Suspension issued into 9/8/05, effective 10/10/05.

Jeffrey N. Fadel, M.D., Louisville, KY #22556.

Agreed Order of Indefinite Restriction entered into 8/11/05.

Mark L. Glasgow, M.D., Out of State #36538.

Third Amended Agreed Order of Indefinite Restriction entered into 8/22/05.

Kimberly D. Jones, P.A.-C. Richmond, KY, Ctf. PA314.

Agreed Order of Surrender entered into 8/17/05

James E. Little, D.O., Whitley City, KY #01195.

Amended Agreed Order of Indefinite Restriction entered into 8/4/05. Second Amended Agreed Order of Indefinite Restriction entered into 9/15/05.

Perry G. McLimore, M.D., Owensboro, KY #28414.

Agreed Order of Indefinite Restriction entered into 8/11/05.

Sean M. Maguire, M.D., Madisonville, KY #28821.

Agreed Order of Surrender entered into 8/18/05.

Lloyd A. Manchikes, M.D., Owensboro, KY #31111.

Agreed Order of Indefinite Restriction entered into 8/11/05.

Efrim C. Moore, M.D., Lexington, KY #30760.

Agreed Order of Surrender entered into 8/29/05.

John A. Patton, M.D., Whitley City, KY #18176.

Amended Agreed Order entered into 9/15/05.

Arturo Portales, D.O., Lexington, KY #02635.

Order of Revocation issued 9/22/05.

Eric A. Norsworthy, M.D., Beaver Dam, KY 20834.

Order Terminating Agreed Order issued 9/22/05.

Mario Rios, M.D., Louisville, KY #LL409.

Agreed Order of Indefinite Restriction entered into 9/26/05.

Mark W. Rukavina, M.D., Berea, KY #22686.

Amended Agreed Order of Indefinite Restriction entered into 9/15/05.

Michael G. Rukavina, M.D., Lexington, KY #29562.

Order Terminating Agreed Order issued 8/29/05.

James A. Schroer, M.D., Newport, KY #10580.

Agreed Order of Surrender entered into 8/18/05.

Thomas J. Schroeder, M.D., Louisville, KY #18652.

Amended Agreed Order of Indefinite Restriction entered into 9/22/05.

Ruth A. Serneels, M.D., Pineville, KY #26759.

Agreed Order of Suspension, Stayed; Order of Restriction entered into 8/18/05, suspension effective 8/18/05 – 9/17/05.

Alan D. Shultz, M.D., Mt. Sterling, KY #30784.

Amended Agreed Order of Indefinite Restriction entered into 7/21/05.

Restrictions have also been placed on the following physician's license pending resolution of charges brought against the physician:

Philip C. Trover, M.D., Earlington, KY #19252.

Complaint and Emergency Order of Suspension issued 7/14/05 – effective 7/15/05.

Michael B. White, M.D., Perryville, KY #37677.

Complaint and Emergency Order of Suspension issued 6/21/05 – effective 7/18/05.

Public Citizen Rankings

Public Citizen Health Research Group, a national, non-profit consumer advocacy organization based in Washington, D.C., recently announced the results of their annual report that ranks state medical boards on the per capita number of disciplinary actions taken in 2004 against physicians. Based on the Annual Summary of Board Actions published by the Federation of State Medical Boards, Kentucky was ranked second. For the past six years Kentucky has been ranked in the top five in taking disciplinary action against physicians who violate the Medical Practice Act.

KBML Annual Report

The annual report of the Board's activities for fiscal year ending June 30, 2005 has been filed with the Governor's office and is available on the Board's web site at www.kbml.ky.gov.

Reappointment of Board Member

By Executive Order, Governor Ernie Fletcher reappointed Linda A. Mumford, M.D., Owensboro, to serve for a four-year term expiring August 31, 2009 as a member representing licensed medical physicians practicing in the Commonwealth.

DEA Releases Clarification of Prescribing Schedule II Controlled Substances

The Drug Enforcement Administration (DEA) has published a document in the Federal Register titled "Clarification of Existing Requirements under the Controlled Substances Act for Prescribing Schedule II Controlled Substances". The clarification is in response to DEA's solicitation of comments and concerns regarding its withdrawal of the August 2004 document, *Prescription Pain Medications; Frequently Asked Questions and Answers for Health Care Professionals and Law Enforcement Personnel*, and a subsequent interim policy statement.

DEA's clarification states that federal law does not require a patient to see their physician every month to pick up a new prescription for a Schedule II Controlled Substance, but it does require that in each instance a new prescription be written, dated the date it was written and given or mailed to the patient or pharmacy. When a physician issues a prescription for any controlled substance the physician must properly determine there is a "legitimate medical purpose for the patient to be prescribed that controlled substance and that the physicians be acting in the usual course of professional practice". DEA further points out that physicians must comply with the requirements imposed by their state medical boards with respect to proper prescribing practices and what constitutes a bona fide physician-patient relationship.

Clarification of Nubain and Soma

In the past year, the Board has witnessed several instances where there was some confusion over the classification of Nubain and Soma. Due to this confusion, the Board would like to remind all physicians that **Nubain and Soma are classified as Schedule IV Controlled Substances in Kentucky.**

The Drug Enforcement & Professional Practices Branch of the Cabinet for Health and Family Services has a scheduled drug list on their website, which can be accessed at <http://chfs.ky.gov/NR/rdonlyres/0C2AC747-BCDF-4031-85A8-8D81991C8378/0/ScheduledDrugList1.rtf>. If you have additional questions regarding a classification of a controlled substance, please contact the Drug Enforcement and Professional Services Branch at (502) 564-7985.

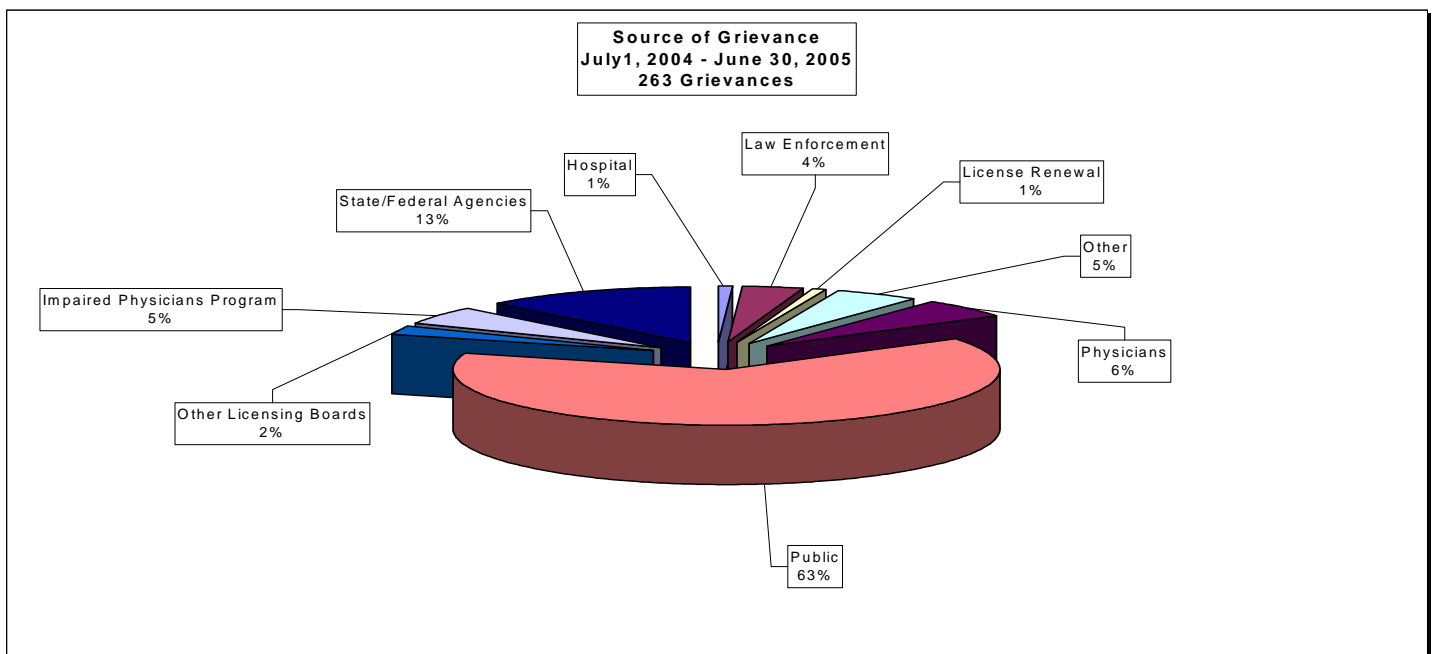
Definition of "Immediate Family"

Inquiry Panels of the Board have recently reviewed several cases of physicians prescribing to immediate family members. It is the position of the Board that physicians shall not treat themselves or members of their immediate families except in emergencies. It is not appropriate for physicians to write prescriptions for controlled substances for themselves or immediate family members.

The Board at its September meeting adopted the following definition of immediate family as identified by federal statute. Immediate family is defined as "husband or wife"; natural or adoptive parent; child, or sibling; stepparent, stepchild, stepbrother, stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; grandparent or grandchild; and spouse of grandparent or grandchild".

Source of Grievances

During the past year 263 grievances were received against licensed physicians in the state. Listed below is a chart that depicts the source and percentages based on the grievances registered with this office.



New Licensure Process/FCVS

On March 1, 2005, the Board began requiring all applicants for initial licensure to utilize the Federation of State Medical Board's (FSMB), Federations Credentials Verification Service (FCVS). This service provides primary source verification of medical education, postgraduate training, licensure examination history, and board action history and identity information. It was designed to lighten the workload of credentialing staff and reduce duplication of effort by the applicant by gathering, verifying and permanently storing the physician's core credentials in a centralized repository located in the FSMB's national office. The Board elected to utilize this service in order to streamline and improve its application process. The use of FCVS also promotes license portability as the physician who has utilized the service can request to have his/her portfolio forwarded to any entity that has agreed to accept the documentation.

Based on information from the FSMB, the processing time for initial application is eight to ten weeks. In order to avoid delay in the application process, applicants are encouraged to allow sufficient time to complete the primary source verification process.

Election of Officers

At the September meeting, the Board elected officers for the coming year. Danny M. Clark, M.D., of Somerset was reelected as President. Also reelected were Preston P. Nunnelley, M.D., of Lexington as Vice President, and Donald J. Swikert, M.D., of Edgewood as Secretary.

On-Line Renewal of Physician Licenses for 2006

Physicians renewing their medical/osteopathic license for 2006 will have an opportunity to renew their licenses on-line. There will be a \$5.00 convenience fee to renew a license on-line. The current renewal fee of \$125.00 will remain the same and it will be possible to renew using either a check or credit card. In December, physician's holding an active license will receive a notice with instructions of how to renew his or her license. It should be noted that an attestation regarding CME will be part of the renewal application since the 3-year CME cycle ends on December 31, 2005. Failure to renew your license prior to the April 1, 2006 deadline will cause your license to automatically become inactive and subsequent practice in Kentucky will be considered the unauthorized practice of medicine or osteopathy. The \$125.00 renewal fee is due by March 1, 2006. Renewals paid after March 1, but prior to the April 1 deadline may be made by payment of an additional \$50.00 penalty fee.

Important Reminder – CME cycle ends December 31, 2005

In order to maintain a current Kentucky medical or osteopathic license a physician must obtain 60 hours of CME for the current three-year cycle that ends on December 31, 2005. Thirty of these hours must be in Category 1 accredited by the Accreditation Council on Continuing Medical Education or the American Osteopathic Association. The remaining thirty hours can be in Category 1 or may consist of non-supervised personal training activities designated as Category 2 CME hours. A minimum of two hours of the required CME must be acquired once every 10 years in a HIV/AIDS course approved by the Cabinet for Family and Health Services pursuant to 902 KAR 2:160. The course taken during the previous CME cycle is valid for a period of ten years. Newly licensed physicians are required to submit proof of a completed HIV/AIDS education course certificate for initial licensure. It should be noted that the course taken for initial licensure would also be valid for a period of ten years.

Approved HIV/AIDS Available On-line

The University of Kentucky Pharmacy and Medicine Continuing Education Office has launched on its website "HIV and AIDS: A Primer and Update", by Frank Romanelli, PharmD. The activity is available @ www.ukyce.com/online and offers two hours of both CME and CPE credit. In addition, the Kentucky Cabinet has approved this course for Health and Family Services as meeting the educational requirements set forth by KRS 214.610/615. The cost of the course is \$9.95, down from \$25 in previous years.

Kentucky Board of Medical Licensure Status Report - Fiscal Year 2005

Meetings Held	FY2005
Board of Medical Licensure	4
Inquiry/Hearing Panels	10
Physician Assistant Advisory Committee	4
State Council on Athletic Trainers	4
Surgical Assistant Advisory Committee	3

Services Provided

Physicians:

Registered in State	9,236
Registered Out of State	3,462
Applications for Initial Licensure	1,253
New Medical Licenses Issued	747
New Osteopathic Licenses Issued	57
Temporary Permits Issued	608
Residency Training Licenses	189
Institutional Practice Limited Licenses	45
Fellowship Training Limited License	15
Faculty License	15
Applications Denied	5

Physician Assistants:

Active Certified	662
New Physician Assistants Certified	62

Athletic Trainers:

Active Certified	338
New Athletic Trainers Certified	53

Surgical Assistants:

New Surgical Assistants Certified	72
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Disposition of Grievances and Disciplinary Actions Taken

Grievances Received	263
Grievances Reviewed	255
Grievances Investigated	147
Grievances Pending	129
Malpractice Cases Reviewed	104
Disciplinary Proceedings Authorized	48
Complaints Issued	35
Emergency Orders of Suspension	15
Emergency Orders of Restriction	9
Disciplinary Hearings Held	12

Actions Taken:

Probated	5
Revoked	1
Suspended	1
Restricted	14
Surrendered	3
Agreed Orders	12
Letters of Agreement	16
Letters of Admonishment	15
Letters of Concern	42

Kentucky Board of Medical Licensure

Change of Address Notice

Please Note: The information that you provide on this Change of Address Notice will be used to update your profile on the Board's web site at kbml.ky.gov.

(Please Print or Type Information)

Date: _____

KY License Number: _____

Name: _____
(last) (first) (m.i.)

Mailing Address: _____
(street)

(city) (state) (zip)

KY Practice County: _____ **Office Telephone:** _____

Practice Address: _____
(street)

(city) (state) (zip)

E-Mail Address: _____

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Hurstbourne Office Park
310 Whittington Parkway, Suite 1B
Louisville, KY 40222

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